

# Supreme Court of Pennsylvania

Court of Common Pleas

Civil Cases Sheet

LEBANON



County

For Prothonotary Use Only:

Docket No:

2010-00887

2010 APR 20 P 12:44

FILED

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

## Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition ☐ Notice of Appeal  
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Leatha Deener-Burks

Lead Defendant's Name:

Sukhwinder Singh

☐ Check here if you are a Self-Represented (Pro Se) Litigant

Name of Plaintiff/Appellant's Attorney: William P. Murray, III, Esquire

Are money damages requested? : ☒ Yes ☐ No

Dollar Amount Requested: (Check one) ☒ within arbitration limits ☐ outside arbitration limits

Is this a Class Action Suit? ☐ Yes ☒ No

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

### TORT (do not include Mass Tort)

- ☐ Intentional  
☐ Malicious Prosecution  
☒ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/ Defamation  
☐ Other:

### CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other

- ☐ Employment Dispute: Discrimination  
☐ Employment Dispute: Other

☐ Other:

### CIVIL APPEALS

- Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Zoning Board  
☐ Statutory Appeal, Other

### Judicial Appeals

- ☐ MDJ - Landlord/Tenant  
☐ MDJ - Money Judgment  
☐ Other:

### MASS TORT

- ☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other:

### REAL PROPERTY

- ☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure  
☐ Partition  
☐ Quiet Title

☐ Other:

### MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgment  
☐ Mandamus  
☐ Non-Domestic Relations  
☐ Restraining Order  
☐ Quo Warranto  
☐ Replevin

☐ Other:

### PROFESSIONAL LIABILITY

- ☐ Dental  
☐ Legal  
☐ Medical  
☐ Other Professional:

Pa.R.C.P. 205.5

2/2010

**WILKES & McHUGH, P.A.**  
BY: William P. Murray III, Esquire  
Attorney I.D. No. 205016  
400 Market Street, Suite 1250  
Philadelphia, PA 19106  
Tel. No. (215) 972-0811  
E-mail: wmurray@wilkesmchugh.com

**THIS IS NOT AN ARBITRATION CASE;  
AN ASSESSMENT OF DAMAGES IS  
REQUIRED; JURY TRIAL DEMANDED**

Attorney for Plaintiff,  
Leatha Deener-Burks, Administratrix of the  
Estate of Eric Burks, deceased; and Leatha Deener-Burks,  
in her own right, and on behalf of the Wrongful  
Death Beneficiaries.

LEATHA DEENER-BURKS, Administratrix of the  
Estate of ERIC BURKS; LEATHA DEENER-BURKS,  
in her own right, and on behalf of the Wrongful Death  
Beneficiaries,  
3436 Coleman Avenue  
Memphis, TN 38122

Plaintiff,

-vs-

SUKHWINDER SINGH  
250 Hickory Lane, Apt. 202  
Westland, MI 38185

and

SUKHCHAN SINGH, individually,  
and d/b/a PVR TRANSPORT,  
3670 McCall Avenue  
Selma, CA 93662;  
3075 W. Ashlan Avenue # 39  
Fresno, CA 93722; and  
P.O. Box 13218,  
Fresno, CA 93794

Defendants.

COURT OF COMMON PLEAS  
LEBANON COUNTY

NO.: 2010-00887

ENTERED & FILED  
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PROthonary OFFICE  
LEBANON, PA

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint in Civil Action and Notice to Defend are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any claim or relief requested by Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT  
HAVE OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE  
SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

MID PENN LEGAL SERVICE  
513 CHESTNUT STREET  
LEBANON, PENNSYLVANIA  
(717) 274-2834

**WILKES & McHUGH, P.A.**

BY: William P. Murray III, Esquire  
Attorney I.D. No. 205016  
400 Market Street, Suite 1250  
Philadelphia, PA 19106  
Tel. No. (215) 972-0811  
E-mail: wmurray@wilkesmchugh.com

**THIS IS NOT AN ARBITRATION CASE;  
AN ASSESSMENT OF DAMAGES IS  
REQUIRED; JURY TRIAL DEMANDED**

Attorney for Plaintiff,  
Leatha Deener-Burks, Administratrix of the  
of Eric Burks, deceased; and Leatha Deener-Burks,  
in her own right, and on behalf of the Wrongful  
Death Beneficiaries.

LEATHA DEENER-BURKS, Administratrix  
of the Estate of ERIC BURKS; LEATHA  
DEENER-BURKS, in her own right, and on  
behalf of the Wrongful Death Beneficiaries,  
3436 Coleman Avenue  
Memphis, TN 38122

Plaintiff,

-vs-

SUKHWINDER SINGH  
250 Hickory Lane, Apt. 202  
Westland, MI 38185

and

SUKHCHAN SINGH, individually,  
and d/b/a PVR TRANSPORT,  
3670 McCall Avenue  
Selma, CA 93662;  
3075 W. Ashlan Avenue # 39  
Fresno, CA 93722; and  
P.O. Box 13218,  
Fresno, CA 93794

Defendants.

COURT OF COMMON PLEAS  
LEBANON COUNTY

NO.: 2010-00887

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LEBANON, OHIO

**COMPLAINT IN CIVIL ACTION**

AND NOW comes Plaintiff, Leatha Deener-Burks, Administratrix of the Estate of Eric Burks; Leatha Deener-Burks, in her own right, and on behalf of the Wrongful Death Beneficiaries, by and through her attorney, William P. Murray, Esquire and Wilkes & McHugh, P.A., who files the within Complaint in Civil Action, and in support thereof avers the following:

1. Plaintiff, Leatha Deener-Burks is an adult individual who resides at 3436 Coleman Avenue, Memphis, TN 38122. Leatha Deener-Burks is the surviving spouse of Eric Burks, and was granted Letters Testamentary for the Estate of Eric Burks on January 13, 2010 at number 0008692.

2. Plaintiff's Decedent, Eric Burks, resided at 3436 Coleman Avenue, Memphis, TN 38122, and at all times relevant herein was the husband of Leatha Deener-Burks, and father of Bianca Burks and Joshua Burks.

3. It is believed and therefore averred that Defendant, Sukhchan Singh, does business under the fictitious name of "PVR Transport."

4. Defendant, Sukhchan Singh, individually, and d/b/a PVR Transport, is an adult individual, with business addresses at 3670 McCall Ave., Selma, CA 93662; 3075 W. Ashlan Ave # 39, Fresno, CA 93722; and P.O. Box 13218, Fresno, CA 93794.

5. Defendant, Sukhwinder Singh, is an adult individual who resides at 250 Hickory Lane, Apt. 202, Westland, MI 48185.

6. On or about November 13, 2009, at approximately 3:23 a.m., Decedent, Eric Burks, was a passenger in a 2003 International Harvester large truck, traveling eastbound in the right lane on Interstate 78 in Union Township, Lebanon County, Pennsylvania. At that time, Eric Claxton, was the operator of said vehicle.

7. At or around the same time that Plaintiff's Decedent was traveling in his vehicle, Defendant, Sukhwinder Singh, was operating a 2003 Freightliner large truck, traveling eastbound in the right lane on Interstate 78 in Union Township, Lebanon County, Pennsylvania when his conduct more specifically described herein caused his vehicle to collide violently with the vehicle in which Plaintiff's Decedent was a passenger.

8. At all times material hereto, the vehicle operated by Defendant, Sukhwinder Singh, was owned by Defendant, Sukhchan Singh, individually, and d/b/a PVR Transport.

9. At the time of the collision, the vehicle operated by Defendant, Sukhwinder Singh, was entering the stream of traffic in a dangerously unsafe manner.

10. It is believed and therefore averred that Defendant, Sukhwinder Singh, was operating his vehicle in the course, scope and for the benefit and furtherance of Defendant, Sukhchan Singh, individually, and d/b/a PVR Transport.

11. As a direct and proximate result of the conduct of Defendants as more specifically described herein, Eric Burks sustained severe bodily injuries; severe pain, suffering, and mental anguish, and unnecessary hospitalization, from November 13, 2009 until his death on December 12, 2009.

12. As a direct and proximate result of Defendants' negligent conduct, Plaintiff's Decedent incurred conscious pain and suffering, scarring and disfigurement, otherwise unnecessary medical expenses, loss of enjoyment of life, loss of earning capacity, and loss of future earnings and income to his estate.

### COUNT I

### NEGLIGENCE

LEATHA DEENER-BURKS, ADMINISTRATRIX OF THE ESTATE OF  
ERIC BURKS V. SUKHWINDER SINGH, INDIVIDUALLY

13. Plaintiff incorporates herein by reference paragraphs 1-12 as if the same were more fully set forth herein.

14. The damages sustained by Plaintiff were a direct and proximate result of the negligence of Defendant, Sukhwinder Singh, generally and in the following particulars:

a. In failing to enter the traffic stream in a reasonably safe manner;

- b. In failing to maintain adequate control over his vehicle to prevent his vehicle from striking the vehicle in which Plaintiff's Decedent was a passenger;
- c. In causing his vehicle to strike the vehicle in which Plaintiff's Decedent was a passenger;
- d. In operating his vehicle at an unreasonably slow speed so as to impede the normal and reasonable flow of traffic;
- e. In failing to take reasonable measures to prevent his vehicle from impeding the flow of traffic in an unreasonably dangerous manner;
- f. In failing to properly maintain his vehicle.

15. As a direct and proximate result of Defendant's negligence, as pled herein, Plaintiff's Decedent suffered severe bodily injuries; severe pain, suffering, and mental anguish; and unnecessary hospitalization, causing his death.

16. As a direct and proximate result of Defendant's negligent conduct, Plaintiff's Decedent incurred conscious pain and suffering, scarring and disfigurement, otherwise unnecessary medical expenses, loss of enjoyment of life, loss of earning capacity, and loss of future earnings and income to his estate.

WHEREFORE, Plaintiff, Leatha Deener-Burks, as Administratrix of the Estate of the Eric Burks, respectfully requests that judgment be entered in her favor and against Defendant in an amount in excess of the arbitration limits for the Court of Common Pleas of Lebanon County, Pennsylvania.

JURY TRIAL DEMANDED

**COUNT II**

**NEGLIGENCE**

**LEATHA DEENER-BURKS, ADMINISTRATRIX OF THE ESTATE OF ERIC BURKS V. SUKHCHAN SINGH, INDIVIDUALLY, AND D/B/A PVR TRANSPORT**

17. Plaintiff incorporates herein by reference paragraphs 1-16 as if the same were more fully set forth herein.

18. The damages sustained by Plaintiff were a direct and proximate result of the negligence of Defendant, Sukhchan Singh, individually, and d/b/a PVR Transport, by and through his agent, servant, and/or employee, Sukhwinder Singh, generally and in the following particulars:

- a. In failing to enter the traffic stream in a reasonably safe manner;
- b. In failing to maintain adequate control over his vehicle to prevent his vehicle from striking the vehicle in which Plaintiff's Decedent was a passenger;
- c. In causing his vehicle to strike the vehicle in which Plaintiff's Decedent was a passenger;
- d. In operating his vehicle at an unreasonably slow speed so as to impede the normal and reasonable flow of traffic;
- e. In failing to take reasonable measures to prevent his vehicle from impeding the flow of traffic in an unreasonably dangerous manner;
- f. In failing to properly maintain his vehicle.

19. As a direct and proximate result of Defendant's negligence, as pled herein, Plaintiff's Decedent suffered severe bodily injuries; severe pain, suffering, and mental anguish; and unnecessary hospitalization, causing his death.

20. As a direct and proximate result of Defendant's negligent conduct, Plaintiff's Decedent incurred conscious pain and suffering, scarring and disfigurement, otherwise

unnecessary medical expenses, loss of enjoyment of life, loss of earning capacity, and loss of future earnings and income to his estate.

WHEREFORE, Plaintiff, Leatha Deener-Burks, as Administratrix of the Estate of Eric Burks, respectfully request that judgment be entered in her favor and against Defendant in an amount in excess of the arbitration limits of the Court of Common Pleas of Lebanon County, Pennsylvania.

JURY TRIAL DEMANDED

### COUNT III

#### LOSS OF CONSORTIUM

LEATHA DEENER-BURKS, IN HER OWN RIGHT V. SUKHWINDER SINGH AND  
SUKHCHAN SINGH, INDIVIDUALLY, AND D/B/A PVR TRANSPORT

21. Plaintiff incorporates herein by reference paragraphs 1-20 as if the same were more fully set forth herein.

22. As a direct and proximate result of the conduct of Defendants as previously described herein, Plaintiff, Leatha Deener-Burks, has been deprived of her husband's support, comfort, assistance, companionship and consortium.

WHEREFORE, Plaintiff, Leatha Deener-Burks, respectfully requests that judgment be entered in her favor and against Defendants in an amount in excess of the arbitration limits for the Court of Common Pleas of Lebanon County, Pennsylvania.

JURY TRIAL DEMANDED



**COUNT IV**

**WRONGFUL DEATH**

**LEATHA DEENER-BURKS, ADMINISTRATRIX OF THE ESTATE OF ERIC BURKS;  
LEATHA DEENER-BURKS, IN HER OWN RIGHT,  
AND ON BEHALF OF THE WRONGFUL DEATH BENEFICIARIES V.  
SUKHWINDER SINGH AND SUKHCHAN SINGH, INDIVIDUALLY, AND D/B/A PVR TRANSPORT**

23. Plaintiff incorporates herein by reference paragraphs 1-22 as if the same were more fully set forth herein.

24. As a direct and proximate result of Defendants' negligence, Eric Burks died on December 12, 2009, at the age of 43 years.

25. As a direct and proximate result of Defendants' acts and omissions which resulted in the death of Plaintiff's Decedent, the Estate of Eric Burks has incurred administrative, funeral and burial expenses, and the expense of administration necessitated by reasons of injuries causing his death.

26. The Wrongful Death Beneficiaries are Leatha Deener-Burks (spouse), 3436 Coleman Ave., Memphis, TN 38122; Joshua Burks (son), 3436 Coleman Ave., Memphis, TN 38122; and Bianca Burks (daughter), 3436 Coleman Ave., Memphis, TN 38122.

27. As a direct and proximate result of Defendants' negligence as more specifically described herein, the Wrongful Death Beneficiaries incurred loss of care, comfort, and society of Eric Burks.

WHEREFORE, Plaintiff respectfully request that judgment be entered in her favor and against Defendants in an amount in excess of the Arbitration limits for the Court of Common Pleas of Lebanon County, Pennsylvania.

**JURY TRIAL DEMANDED**

COUNT V

**NEGLIGENCE PER SE FOR VIOLATIONS OF THE PENNSYLVANIA  
VEHICLE CODE, 75 Pa. C.S. §§ 3334(a) AND 3364(a).**

**LEATHA DEENER-BURKS, ADMINISTRATRIX OF THE ESTATE OF ERIC BURKS V. SUKHWINDER  
SINGH AND SUKHCHAN SINGH, INDIVIDUALLY, AND D/B/A PVR TRANSPORT**

28. Plaintiff incorporates herein by reference paragraphs 1-27 as if the same were more fully set forth herein.

29. At all times pertinent hereto, there was in full force and effect 75 P.S. §§ 3334(a) and 3364(a) of the Pennsylvania Motor Vehicle Code, which sets forth provisions defining the safe operation of motor vehicles in the Commonwealth of Pennsylvania and the penalties and/or consequences for failure to comply with said provisions.

30. 75 P.S. § 3334(a) provides:

Upon a roadway no person shall turn a vehicle or move from one traffic lane to another or enter the traffic stream from a parked position unless and until the movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided in this section.

31. 75 P.S. § 3364(a) provides:

Except when reduced speed is necessary for safe operation or in compliance with law, no person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.

32. At all times pertinent hereto, Eric Burks, as a passenger in a motor vehicle traveling in the Commonwealth of Pennsylvania, fell within the class of persons that 75 P.S. §§ 3334(a) and 3364(a) seek to protect, thus entitling Plaintiff to adopt 75 P.S. §§ 3334(a) and 3364(a) as the standard of care for measuring Defendants' conduct.

33. Additionally, 75 P.S. §§ 3334(a) and 3364(a) are directed, at least in part, to

obviate the specific kind of harm which Eric Burks sustained.

34. The conduct of Defendants, and each of them, as specifically set forth in this Complaint, violated 75 P.S. §§ 3334(a) and 3364(a) of the Pennsylvania Motor Vehicle Code.

35. As a direct and proximate result of Defendants' negligence *per se*, as pled herein, Plaintiff's Decedent suffered severe bodily injuries; severe pain, suffering, and mental anguish; and unnecessary hospitalization, causing his death.

36. As a direct and proximate result of Defendants' negligence *per se*, Plaintiff's Decedent incurred conscious pain and suffering, scarring and disfigurement, otherwise unnecessary medical expenses, loss of enjoyment of life, loss of earning capacity, and loss of future earnings and income to his estate.

WILKES & McHUGH, P.A.

Dated: April 20, 2010

BY:

  
William P. Murray, Esquire  
Counsel for Plaintiff

VERIFICATION

I, Leatha Deener-Burks, Administratrix of the Estate of Eric Burks, certify that the averments of fact made in Plaintiff's Complaint in Civil Action are true and correct to the best of my knowledge, information, and belief.

I understand that the averments of fact in said document are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Dated: 4/19/10

Leatha Deener-Burks  
Leatha Deener-Burks, Administratrix of  
the Estate of Eric Burks